

Director's Message

DJLAW125



Why are we here?

2 Reasons

PREA is the “right thing to do” to ensure all staff and youth are SAFE

It's an Act of Congress



Objectives

- Introduce Prison Rape Elimination Act
- Review ADJC Cases
- Identify PREA Related Legal Definitions
- Discuss Incident Awareness
- Review ADJC Policies and Procedures
- Discuss Follow up Responsibilities
- Discuss Pro-Active Measures



Introduction of PREA

Video – “Keeping Our Kids Safe:
**The Prison Rape Elimination Act
and Juvenile Justice**”



In The Media...

Suicides spark scrutiny of juvenile facilities; Teens were beaten, sexually abused, isolated for weeks at a time

East Valley Tribune...February 13, 2004



In The Media...Recently

Sex Abuse reported at Youth Jail

Dallas Morning News...February 18, 2007

- *Many prison staffers at the West Texas State School complained about possible sexual abuse of inmates to their immediate bosses...no one in charge did anything to stop it*

Ex-TYC official fired for inaction

Dallas Morning News... May 1, 2007

- *Lydia Barnard, the former director of juvenile corrections with the Texas Youth Commission has been fired for failing to take appropriate action against a school superintendent accused of sexually abusing inmates.*



Vicarious Liability

When ANY Agency employee has knowledge of an illegal/harmful incident that has occurred or that a dangerous procedure exists and no effort is made to resolve it, that employee and ADJC may be held legally liable both financially and criminally.



ADJC Investigation

CASE ONE

Recent Youth on Youth Sexual Assault

- Victim youth allegedly involved in “Horseplay Event” several days prior to a sexual assault with suspect youth
- Suspect youth had repeatedly assaulted victim youth prior to sexual assault
- Opportunity when both youth were alone in a room
- Sexual assault took seconds
- YCO later observed, victim youth “not acting right”
- Followed up with supervisory notification
- Victim youth discloses
- Immediate I&I investigation revealed incident had occurred

OUTCOME:

- Suspect youth arrested – charged as an adult.



ADJC Criminal Investigation

CASE TWO

Unlawful Sexual Conduct with Youth by Corrections Officer

- Victim Youth, who was on parole, discloses to family member of sexual contact with Secure Care Staff member
- Follow-up I&I investigation revealed acts occurred at Facility
- Suspect Secure Staff member Terminated
- Ex-Staff member arrested

OUTCOME:

- Sentenced to Prison



ADJC Criminal Investigation

CASE THREE

Staff on Youth sexual contact with Parolee

- Secure Care line staff note a staff member spending unusual amount of time with youth
- Staff reports youth acting out to be with staff member
- Investigation commenced, youth and staff member deny any misconduct, no additional evidence. Youth released on Parole
- Report received by Investigations that youth is seen buying beer in community with staff member



ADJC Criminal Investigation

CASE THREE (continued)

Staff on Youth sexual contact with Parolee

- Staff member questioned by Investigations and confesses to having oral sex with youth in community
- Staff member immediately terminated
- Staff member arrested
- Several months later--local police make contact with ex-staff member and youth (now 18) having sex in ex-staff member's vehicle

OUTCOME: Ex-employee arrested



Legal Definitions



Arizona Revised Statutes

Title 13 – Chapter 14 Sexual Offenses

- **ARS 13-1404: Sexual Abuse**
- **ARS 13-1405: Sexual Conduct with a minor**
- **ARS 13-1406: Sexual Assault**
- **ARS 13-1410: Molestation of child**
- **ARS 13-1418: Sexual misconduct; behavioral health professionals**
- **ARS 13-1419: Unlawful Sexual Conduct; correctional facilities**



Arizona Revised Statutes

Title 13 – Chapter 14 Sexual Offenses

Unlawful Sexual Behaviors include:

- Any **completed, attempted, threatened or requested** touching of the genitalia, anus, groin, breast, inner thigh, pubic area or buttocks with the **intent to arouse or gratify** sexual desire.
- Any **act of exposing** the genitalia, anus, groin, breast, inner thigh, pubic area or buttocks with the **intent to arouse or gratify** sexual desire.
- Any act of **photographing, videotaping, filming, digitally recording** or otherwise **viewing**, with or without a device, a youth with the **intent to arouse or gratify** sexual desire, either:
 - While the youth is in a state of undress or partial dress.
 - While the youth is urinating or defecating.



Incident Awareness



Red Flags

Are we paying enough attention to staff?

- 🚩 Over-identifying with youth-spending too much time
- 🚩 Horseplay – sexual interactions between staff and youth
- 🚩 Staff granting special requests or ‘favors’
- 🚩 Staff in the facility during ‘off hours’
- 🚩 Staff sharing food, snacks and other gifts with youth
- 🚩 Conversations between staff and youth that are sexual in nature



Possible Warning Signs - Victims

Are we paying enough attention to youth?

- ❖ Uncharacteristic acting out in an effort to stay in Separation or to facilitate a transfer
- ❖ Refusal to shower, eat or be in certain less supervised areas
- ❖ Increased medical complaints and attention seeking, particularly increased concerns regarding sexually transmitted diseases
- ❖ Withdrawing or isolating themselves
- ❖ Unexplained bruising



Possible Warning Signs - Victims

Are we paying enough attention to youth? (continued)

- Development of depression or hopelessness
- Lashing out in anger or frustration
- Developing anxiety, fear or paranoia
- Experiencing nightmares
- Developing suicidal thoughts or feelings
- Self abuse or suicidal behaviors



Possible Warning Signs – Potential Aggressor

Staff also need to keep a look out for the potential aggressors:

- ⚠ May have a history of prior assault
- ⚠ Slightly older than potential victim(s)
- ⚠ May have been a past victim of sexual assault
- ⚠ May have difficulty controlling anger
- ⚠ May have poor coping skills / strategies
- ⚠ May exhibit voyeuristic / exhibitionistic behavior
- ⚠ May have prior charges / convictions for stalking, voyeurism or sex crimes other than rape



Possible Warning Signs – Potential Aggressor

Staff also need to keep a look out for the potential aggressors:

- ⚠ The aggressor may be known in the offender population
- ⚠ They may use strong arm tactics, preceded by verbal harassment
- ⚠ Watch for cues such as grouping of probable aggressors, friendly overtures and subtle intimidation in the showers, the recreation area or elsewhere.
- ⚠ Aggressors may run con games intended to trap the potential victim by making loans or allowing unrestricted credit with interest.
- ⚠ There may also be blatant sexual harassment such as taunting new youth and being verbally abusive towards other youth concerning their sexual history.



ADJC Policies Procedures and Protocol



ADJC Policy 1162/Procedure 1162.01

Preventing and Responding to Sexual Offenses Involving Juveniles

The Arizona Department of Juvenile Corrections (ADJC) prohibits sexual activity, sexual conduct, sexual abuse, sexual contact, sexual misconduct, or sexual assault between ADJC personnel, volunteers, interns, or contract personnel and juveniles. ADJC extends this **zero tolerance** policy to include any sexual activity, sexual assault, sexual conduct, sexual contact, sexual misconduct, or sexual abuse between juveniles and will thoroughly investigate and hold accountable person(s) who violate these policies and Arizona State laws.



Follow up Responsibilities

- Immediate onsite and offsite medical treatment will be provided
- Following the physical examination, a QMHP shall be made available to assess the need for crisis intervention counseling and long-term follow-up
- A psychology services staff member shall see the youth victim for assessment and crisis intervention as appropriate
- If the allegation is made after hours, the designated on-call QMHP will be contacted immediately and will arrange for appropriate follow-up



ADJC Procedure 1162.02

Reporting Suspected Child Abuse

Every allegation that a juvenile has been physically, sexually, or emotionally abused while in ADJC custody shall be thoroughly investigated. These allegations can come to the attention of ADJC investigators in a variety of ways: report by a juvenile, juvenile grievance, report of a parent or guardian, report by an employee or through Operation Zero Tolerance, which provides additional reporting mechanisms for employees, parents and guardians, and members of the public.

Any ADJC Employee, Volunteer, Intern, and/or Service Provider under contract with shall immediately report if they reasonably believe that a juvenile is or has been a victim of the following.

- Physical injury
- Sexual abuse
- Child abuse



ADJC Procedure 1162.02 (continued)

Reporting Suspected Child Abuse

The ADJC EMPLOYEE shall complete an Incident Report Form marking the child abuse check box and make appropriate notifications to ensure the juvenile's immediate safety. This shall include but is not limited to:

- Deputy Director and/or Assistant Superintendent
- Security Captain
- On Call Administrator
- Community Administrator
- Inspections and Investigations Division (IID)

The IID shall notify:

- The Director and/or designee of the allegation
- Child Protective Services (CPS) at the Department of Economic Security (DES) in cases of reported abuses



ADJC Protocol

Reporting Suspected Child Abuse/Sexual Abuse

- Administration shall ensure the alleged victim and aggressor are physically separated.
- That the scene of the assault is protected and secured for crime scene processing.
- The staff recipient of the report or Administration shall inform the alleged victim not to shower, clean themselves, brush their teeth or do anything that may damage or destroy evidence.



ADJC Procedure 1162.03

Child Abuse Investigation Protocol

- All aforementioned incidents are investigated by ADJC Investigators
- Investigators (who are certified Police Officers) are specially trained to conduct such investigations
- If the investigation reveals an incident did occur, an arrest of either staff and/or youth will occur
- Case will be submitted to the County Attorney



Pro-Active Staff Measures



Assessments

Youth Assessment (1162.01 A)

- Reception screening for assaultive and sexually aggressive behavior and risk for sexual victimization

Vulnerability Assessment (Form 1162.01 B)

- Identify physical plant and operational issues that exist within our institutions that create vulnerabilities for sexual assaults to occur
- Plans will be implemented to address issues identified through the assessments



As responsible staff WE will:

- Always abide by the Agency Expectations/NORMS
- Know and enforce a **zero tolerance** standard for the incidence of any sexual assault/abuse
- Provide prevention materials to all youth
- Encourage youth to report sexual abuse or assault
- Treat any suggestion or allegation of sexual assault as serious
- Increase Health and Welfare checks in areas where sexual assaults are most likely to occur
- Make sure you are not in a position where you are alone with a youth



As responsible staff WE will:

- Keep Room assignments in mind
 - Do not room known or suspected aggressors with a youth that has the characteristics of a potential victim
 - Pay attention when a youth requests a different roommate
- Remember we are not the youths' "Savior" or "Protector" keeping information a secret, or trying to handle it yourself is not an option.
- Maintain professionalism at all times
- Remember that it is everyone's responsibility to supervise youth (Not just direct contact staff)
- Recognize that this is a very sensitive and important issue



Do You Have Any Questions?

